

APPEAL NO. 150662  
FILED MAY 28, 2015

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 26, 2015, in Fort Worth, Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the date of injury is [date of injury]; (2) the respondent (claimant) sustained a compensable repetitive trauma injury on [date of injury]; (3) the claimant did not report an injury to the employer not later than the 30th day after the injury; but, she did have good cause for failing to report the injury timely due to trivializing the injury; and (4) the claimant has disability resulting from a compensable injury from May 28, 2014, through the CCH.

The appellant (carrier) appeals the hearing officer's determinations that the claimant sustained a compensable repetitive trauma injury; the claimant had good cause for failing to report the injury timely due to trivializing the injury; and that the claimant had disability from May 28, 2014, through the CCH. The carrier also contends on appeal that it did not provide workers' compensation coverage for the employer on the date of injury determined by the hearing officer. The appeal file does not contain a response from the claimant.

DECISION

Reversed and remanded.

The parties stipulated at the CCH that "[f]or all dates pertinent to this claim, [e]mployer provided workers' compensation insurance with Trumbull Insurance Company, [c]arrier." However, in its appeal the carrier contends that the correct carrier for the date of injury of [date of injury], is American Zurich Insurance Company. The carrier attached to its appeal the results of an online employer's workers' compensation insurance coverage verification which indicates that on [date of injury], American Zurich Insurance Company provided workers' compensation coverage for the claimant's employer. In evidence is a Notice of Denial of Compensability/Liability and Refusal to Pay Benefits (PLN-1) from American Zurich Insurance Company which denied the claimant's claim for workers' compensation benefits.

In *Houston Gen. Ins. Co. v. Association Cas. Ins. Co.*, 977 S.W.2d 634 (Tex. App.-Tyler 1998, no writ), the Tyler Court of Appeals held that workers' compensation coverage may not be extended by waiver or estoppel. This case is similar to Appeals Panel Decision (APD) 042725, decided December 15, 2004, where information was sent to the Texas Department of Insurance, Division of Workers' Compensation (Division) after the CCH, advising that the carrier did not have coverage. See *also* APD

070514, decided May 1, 2007. Because of the uncertainty as to the identity of the proper carrier in this case, we remand the case to the hearing officer to determine the proper carrier, and, if it is a carrier other than Trumbull Insurance Company, to hold another hearing with all of the proper potential carriers present. On remand, the hearing officer shall take official notice of the Division records regarding the proper carrier in this case. The parties are to be allowed an opportunity to present evidence as to the correct carrier and the issues in this proceeding.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Division, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See APD 060721, decided June 12, 2006.

The true corporate name of the insurance carrier is **TRUMBULL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
1999 BRYAN STREET, SUITE 900  
DALLAS, TEXAS 75201-4234.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Veronica L. Ruberto  
Appeals Judge

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Carisa Space-Beam  
Appeals Judge